

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER W. LINDNER,

Plaintiff,

-against-

AMERICAN EXPRESS CORPORATION
and QING LIN,

Defendants.

Civil Action No.: 06-3834 (JGK-THK)

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE THAT, upon the annexed Local Civil Rule 56.1 Statement of Undisputed Material Facts, the annexed Declaration of Jean Y. Park, sworn to on May 21, 2010, and the exhibits attached thereto, the accompanying Memorandum of Law, dated May 21, 2010, and the supporting Declaration of Qing Lin, sworn to on May 21, 2010, Defendants, American Express Travel Related Services Company, Inc., incorrectly named "American Express Corporation" (hereinafter, "Amex" or the "Company"), and Qing Lin ("Lin") (collectively, "Defendants"), by their attorneys, Kelley Drye & Warren LLP, will move this Court before the Honorable John G. Koeltl at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, on a date and at a time to be designated by the Court, for an Order granting Defendants' motion, pursuant to Rule 56(c) of the Federal Rules of Civil Procedure to dismiss plaintiff's claims of: (i) retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"), (ii) breach of settlement agreement, and (iii) tortious interference with prospective contractual relations. There are no disputed issues of material fact warranting the trial of any of these claims.

WHEREFORE, Defendants request that this Court dismiss the amended complaint, with prejudice, and grant them such other and further relief as it deems just and proper.

Dated: New York, New York
May 21, 2010

KELLEY DRYE & WARREN LLP

By: 
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